



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

NOV 12 2004

DOT-E 9092
(SIXTH REVISION)

EXPIRATION DATE: October 31, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Witt International Trucks
Midland, TX
2. PURPOSE AND LIMITATIONS:
 - a. This exemption authorizes the manufacture, mark, sale and use of six(6) non-DOT specification portable tanks manifolded together within a frame and securely mounted on a truck chassis for use in transporting various hazardous materials listed in paragraph 6. This exemption provides no relief from any Hazardous Materials Regulation other than as specifically stated herein.
 - b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 173.242 in that non-DOT specification portable tanks are not authorized, except as specified herein.
5. BASIS: This exemption is based on the application of Witt International Trucks dated November 10, 2004, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

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Proper Shipping Name/ Hazardous Material Description	Hazard Class/ Division	Identi- fication Number	Packing Group
Flammable liquid, n.o.s. (vapor pressure of less than 16 psia at 130°F)	3	UN1993	I, II or III
Corrosive liquids, n.o.s.*	8	As appropriate	I, II or III

*If a material is listed by name in the Hazardous Materials Table then the technical name must be used instead of the n.o.s. entry.

7. SAFETY CONTROL MEASURES:

Packaging prescribed is a group of six(6), sixty(60) gallon capacity, non-DOT specification portable tanks manifolded together within a frame, having top and bottom openings, designed and constructed in accordance with Wes-Tex Equipment Company drawing, Chemical Tanks, Rev. 1, dated June 1, 1984, on file with the OHMEA and in compliance with the following:

(1) Tanks must comply with DOT Specification 57 in all respects except:

(a) The line which reads "Specification identification" on the metal certification plate required by § 178.251-7 (in effect on October 1, 1990) must not be marked DOT Specification 57.

(b) A capacity of less than 110 gallons is authorized.

(c) The use of sight glasses is authorized. Each sight glass must have shut off valves, top and bottom and be provided with adequate protection to prevent accidental breakage.

8. SPECIAL PROVISIONS:

a. A test report documenting a satisfactory prototype test for this tank assembly design must be on file with the OHMEA prior to the first shipment.

b. Hydrostatic test certificates for each tank must be maintained by the manufacturer or owner and made available upon request to any representative of the Department of Transportation.

- c. Offerors for transportation of hazardous materials specified in this exemption may use the packaging described in this exemption for the transportation of such hazardous materials so long as no modifications or changes are made to the packages, all terms of this exemption are complied with, and a copy of the current exemption is maintained at each facility from which such offering occurs.
- d. Each tank must be filled so as not to be liquid full at less than or equal to 130°F.
- e. Sight glass shut off valves must be secured during transportation.
- f. Tanks are only authorized when manifolded together in a group of six within a frame.
- g. Marking and placarding requirements specified for cargo tanks in 49 CFR Part 172, Subpart D and Subpart F, must be met. Also each manifolded unit must be plainly marked on both sides near the middle, in letters at least two inches high on a contrasting background, "DOT-E 9092".
- h. Each tank must be (i) visually inspected prior to each trip to ensure that it has not been damaged on the previous trip; and (ii) reinspected and retested once every two years in accordance with § 173.32(e) as prescribed for DOT Specification 57 portable tanks at minimum pressure of 10 psig.
- i. The prototype test on this tank assembly design will serve to qualify smaller tanks made of the same materials and thickness, by the same fabrication technique, and with identical supports and equivalent closures and other appurtenances. A drawing showing the arrangement of the smaller tanks must be on file with the OHMEA prior to the first shipment.
- j. Each packaging manufactured under the authority of this exemption must be either (1) marked with the name of the manufacturer and location (city and state) of the facility at which it is manufactured or (2) marked with a registration symbol designated by the OHMEA for a specific manufacturing facility.
- k. A current copy of this exemption must be maintained at each manufacturing facility at which this packaging is manufactured and must be made available to a DOT representative upon request.

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- l. In accordance with the provisions of Paragraph (b) of § 173.22a, persons may use the packaging authorized by this exemption for the transportation of the hazardous materials specified in paragraph 6, only in conformance with the terms of this exemption.
- m. A person who is not a holder of this exemption, but receives a package covered by this exemption, may reoffer it for transportation provided no modifications or changes are made to the package and it is offered for transportation in conformance with this exemption and the HMR.
- n. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.
9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.
10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each motor vehicle use to transport packages covered by this exemption.
11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:
- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, Parts 171-180.
 - o Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
 - o Registration required by § 107.601 et seq., when applicable.

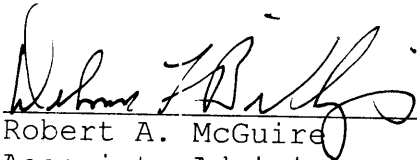
Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when the exemption has expired or is otherwise no longer in effect.

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12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (Sections 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder(s) of this exemption must also inform the AAHMS, in writing, as soon as practicable of any incidents involving the package and shipments made under this exemption.

Issued in Washington, D.C.



for Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

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(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590.
Attention: DHM-31.

Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at <http://hazmat.dot.gov/exemptions> Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

po: sln